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BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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In re)
)
Amendment of Section 73.202(b))
of the Commission's Rules,)
Table of Allotments,)
FM Broadcast Stations)
(Galena, Kansas))

MM Docket 96-_____
RM-_____

To: The Chief, Mass Media Bureau

PETITION FOR RULEMAKING

Acorn Broadcasting Company, (Acorn), pursuant to Section 1.401 of the Commission's Rules, hereby requests the Commission to institute a rulemaking proceeding looking toward an amendment of Section 73.202(b) of the Commission's Rules, the Table of FM Allotments. Specifically, Acorn seeks the allotment of Channel 282A to Galena, Kansas, as its first local FM service. In support of this petition, Acorn states as follows:

1. Galena is an incorporated city with a population of 3,308 persons (1990 U.S. Census). Galena has a Mayor and City Council form of local government. The city of Galena further maintains its own police force with 5 full-time officers and 9 reserve officers. Galena further maintains a volunteer fire department with 30 volunteers and 2 paid employees.

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(2)

Galena maintains municipal water and sewer services. It also has its own Post Office and its own zip code (66739).

2. As demonstrated by the attached Engineer Report of Wheeler Broadcast Consulting, Channel 282A can be allocated to Galena as its first service in full compliance with the FM spacing rules by imposing a 6.7 km South West site restriction from the Galena reference coordinates as listed in the National Atlas of the United States of America. No other broadcast operation would be affected by this proposal. City Grade service levels would be provided from the reference site depicted in Exhibit 2 of the Engineering Report
3. If The Commission amends the FM Table of Allotments as requested herein, Acorn will promptly file an application for construction permit for Channel 282A and, if granted that construction permit, will promptly construct the facilities, place them into operation, and seek a license covering the Galena facility.
4. A need for FM service in Galena exists. Allotting channel 282A Galena would permit Galena to receive this service. Favorable action on the Acorn proposal would thus be in the public interest.
5. Acorn Broadcasting Company is a Missouri Corporation, incorporated on May 13, 1994 and as such is recognizable as a legal entity.

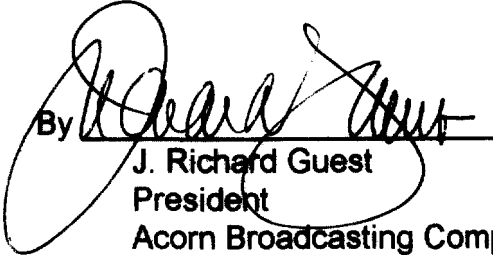
(3)

For the reasons stated above, the public interest will be served by the allotment of Channel 282A to Galena as its first local FM service. Accordingly, Acorn respectfully requests the Commission to initiate a rulemaking to amend the FM Table of Allotments as follows:

<u>CITY</u>	<u>Present Allotment</u>	<u>Proposed Allotment</u>
Galena, Kansas	----	282A

Under penalty of perjury Acorn Broadcasting Company states that all information set forth in this petition is true and accurate to the best of its belief.

Respectfully submitted,
Acorn Broadcasting Company

By 
J. Richard Guest
President
Acorn Broadcasting Company

Acorn Broadcasting Company
3001 W. 13th Street
Joplin, MO 64801
(417) 624-1230



WHEELER BROADCAST CONSULTING

Engineering Study

Proposed Rule Making to Allocate Channel 282 A to Galena, Kansas

This consultant has been retained by Acorn Broadcasting Company for the purpose of preparing an engineering statement in support of a Proposed Rule Making to amend the FM table of allotments, 47 CFR 73.202 (b), by adding channel 282 A to Galena, Kansas as its first local service.

At the request of Acorn Broadcasting Company, this consultant performed a full commercial channel search of the Commission's July 19, 1996 FM database in order to determine the availability of a FM channel for allocation to Galena, Kansas. The study revealed that Channel 282 A could be allocated to Galena, with the imposition of a 6.7 km South West site restriction.

The coordinates of Galena, Kansas are listed in the National Atlas of the United States of America as follows:

37° 04' 24" N. Latitude
94° 38' 00" W. Longitude

6025 MARTWAY
SUITE 112
MISSION, KS 66202
913.362.7282
913.362.7287

Reference coordinates for the proposed channel 282 A were determined by selecting the point nearest to Galena while meeting the minimum separation requirements set forth in 47 CFR 73.207. The reference coordinates calculated for the Galena, Channel 282 A, allocation are:

37° 03' 17" N. Latitude
94° 42' 19" W. Longitude

The distance and bearing from Galena to the Channel 282A reference coordinates is 6.7 km at 252.1° True. Exhibit 1 of this report is a search of the Commission's July 19, 1996 FM database which demonstrates that the site meets all minimum separation requirements from the proposed reference site. Exhibit 2 is a digitally generated map, generated from USGS and NGDC data, which indicates the reference site, the open area in which to locate a suitable transmitter facility, and the predicted 70 dbu contour from the reference coordinates indicating compliance with the principal community coverage requirements of 47 CFR 73.315

Galena, Kansas

Galena, Kansas is an incorporated city, incorporated June 19, 1877, with a Mayor and City Council form of government. The population of Galena is 3308 persons according to the 1990 US Census. Galena has a post office with its own zip code, 66739. Galena supplies water to its citizens with a city owned water system that supplies an average of 750,000 gallons per day. There are eleven churches in Galena serving six denominations. Galena maintains its own school district with one Senior High School, one Junior High School, two Elementary Schools and one Kindergarten facility. The school system maintains a library which supplements the Public Library.

Public safety services are provided to Galena by the Galena Police department which employs 5 full time officers, 9 auxiliary officers, and 5 dispatchers. Fire protection is provided by the Galena Volunteer Fire Department with a volunteer force of 30 firefighters who supplement a paid force of 2 full-time officials. Medical needs are provided a local physician, a local dentist, and a local optometrist.

Conclusion

Galena Kansas is a community deserving of its first commercial FM service and this proposal provides that service. In light of the above facts, this proposal is clearly in the public interest and it is respectfully requested that 47 CFR 73.202(b) be amended as follows:

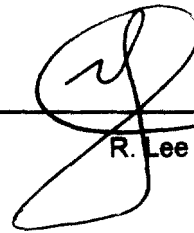
<u>Community</u>	<u>Present</u>	<u>Proposed</u>
Galena, KS	-----	282 A

Certification

All information contained in this report is true and accurate to the best of my belief. Having had numerous matters before the Commission, my qualifications are a matter of record.

7/22/96

Date

A handwritten signature in black ink, appearing to be 'R. Lee Wheeler', written over a horizontal line.

R. Lee Wheeler

WHEELER BROADCAST CONSULTING
6025 Martway - Suite 112 - Mission KS 66202

Acorn Broadcasting Company
Galena, Kansas

REFERENCE			CLASS A			DISPLAY DATES	
37 03 17 N						DATA	07-19-96
94 42 19 W			Current rules spacings			SEARCH	07-22-96
----- CHANNEL 282 -104.3 MHz -----							
CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)
<hr/>							
KBEQFM	282C	Kansas City	MO	5.0	226.00	226.0	0.00 *
LI CY	39 04 59	94 28 49	100.000 kW	301M	140.5	140.5	
Noble Broadcast of Kansas Cit					BLH850813KT		
KBCNFM	282C	Marshall	AR	125.5	226.03	226.0	0.03 <
LI CN	35 52 17	92 39 10	100.000 kW	310M	140.5	140.5	
Pearson Broadcasting of Marsh					BLH900612KC		
KQMO.C	281C3	Ash Grove	MO	76.1	93.16	89.0	4.16
CP CN	37 15 22	93 41 14	21.500 kW	108M	57.9	55.3	
Positive Dimension Com. & Dev					BPH950313IB 970106		
>One-Step Application From Channel 281A							
ALOPEN	281C3	Fredonia	KS	293.2	97.09	89.0	8.09
AL N	37 23 56	95 42 40	0.000 kW	0M	60.3	55.3	
>Reserved for KJGM per One-Step Application BMPH-960319IE							
KJGM.A	281C3	Fredonia	KS	291.4	97.51	89.0	8.51
AP ZCN	37 22 31	95 43 41	7.300 kW	163M	60.6	55.3	
KGGF-KUSN, Inc.					BMPH960319IH		
>One-Step Application From Channel 281A							
KMYZFM	283C1	Pryor	OK	216.6	143.03	133.0	10.03
LI CN	36 01 10	95 39 24	70.000 kW	344M	88.9	82.7	
Shamrock Communications, Inc.					BLH850501KY		
K279AD	279D	Neosho	MO	126.1	46.81	26.0	20.81
CP HN	36 48 22	94 16 51	0.072 kW	68M	29.1	16.2	
Guy Matthews					BPFT950626TE		
>Translator for KDAB, Prairie Grove, AR							
KQMO.C	281A	Ash Grove	MO	76.1	93.16	72.0	21.16
CPM CN	37 15 22	93 41 14	3.000 kW	74M	57.9	44.8	
Positive Dimension Com. & Dev					BMPH940915IE 950828		
>*To Channel 281C3 per One-Step Application BMPH-950313IB							
KJGM.C	281A	Fredonia	KS	297.8	112.45	72.0	40.45
CP CN	37 31 36	95 49 39	6.000 kW	100M	69.9	44.8	
KGGF-KUSN, Inc.					BPH941220ME 970329		

WHEELER BROADCAST CONSULTING
6025 Martway - Suite 112 - Mission KS 66202

CLASS A

CALL TYPE	CH# LAT	CITY LNG	STATE PWR	BEAR' HT	D-KM D-Mi	R-KM R-Mi	MARGIN (KM)

>*To Channel 281C3 per One-Step Application BMPH-960319IE							
KLKCFM	228A	Parsons	KS	304.4	56.66	10.0	46.66
LI CN	37 20 35	95 13 55	3.000 kW	81M	35.2	6.2	
	The Community Broadcasting Co				BLH780928AC		
KKIX	280C1	Fayetteville	AR	159.2	122.69	75.0	47.69
LI ZCN	36 01 17	94 13 04	100.000 kW	147M	76.3	46.6	
	Noalmark Broadcasting Corpora				BLH900622KC		
KVCY.C	284C3	Fort Scott	KS	359.0	91.51	42.0	49.51
CP CN	37 52 45	94 43 25	16.000 kW	125M	56.9	26.1	
	Wisconsin Voice of Christian				BPH951106IA		970921
>One-Step Construction Permit from Channel 284A							

